

Adulteration of the article was alleged in the libel for the reason that a substance high in moisture and low in butter fat had been substituted wholly or in part for the article purported to be pure creamery butter.

Misbranding of the article was alleged for the reason that the statement borne on the boxes, to wit, "Made in the finest dairy sections of Vermont from perfectly pure selected Jersey cream," was false and misleading and deceived and misled the purchaser in that, in truth and in fact, the article was not made in the finest dairy sections of Vermont from perfectly pure selected Jersey cream, but was made in the State of Minnesota, and was not made from selected Jersey cream.

On December 3, 1919, Julius H. Preston and Walter L. Preston, copartners, doing business as J. H. Preston & Co., Providence, R. I., claimant, having filed an answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,250, in conformity with section 10 of the act.

E. D. BALL,

Acting Secretary of Agriculture.

7391. Adulteration and misbranding of butter. U. S. * * * v. 25 Cases of Butter. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 10532. I. S. No. 15032-r. S. No. E-1512.)

On June 6, 1919, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 30 pounds of butter, consigned by Kingan & Co., Indianapolis, Ind., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about May 24, 1919, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Kingan's 'Crocus' Creamery Butter One Pound Net Weight."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for butter, which the article purported to be. Adulteration of the article was alleged for the further reason that a valuable constituent thereof, to wit, milk fat, had been in part abstracted.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article. Misbranding of the article was alleged for the further reason that an examination of 3 pounds as to weight showed an average shortage of 1.19 per cent. A further examination of 90 1-pound cartons showed an average shortage of 0.75 per cent. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not marked plainly and conspicuously declared.

On June 16, 1919, the Kingan Provision Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$450, in conformity with section 10 of the act, conditioned in part that the product be relabeled and reconditioned under the supervision of a representative of this department.

E. D. BALL,

Acting Secretary of Agriculture.